

MEMORANDUM

TV-050421

April 27, 2007

To: File
Dave Pratt, Asst. Director, Consumer Affairs

From: Sheri Hoyt, Compliance Specialist
Business Practices Investigations

Subject: Bill's Transfer, Inc., HG-6605

On May 31, 2006, the commission issued a \$100 penalty assessment against Bill's Transfer, Inc. (Bill's Transfer) for failure to properly register its trade name of Universal Moving Systems. On June 6, 2006, the commission received a request for mitigation from Vince Wagner, owner of Bill's Transfer. Although staff supported full mitigation of the penalty if Bill's Transfer correctly registered its trade name, the commission issued an order on July 10, 2006, denying mitigation. The order stated that the carrier had been counseled many times on registering its trade name and it had failed to do so. The carrier was told to register its trade name with the appropriate state agencies and the commission to avoid further penalties.

On September 25, 2006, the commission sent Mr. Wagner a delinquency notice for the \$100 penalty assessment and requested it be paid immediately to avoid further enforcement action. Payment was not remitted and as a result on October 27, 2006, Sally Johnston, Senior Assistant Attorney General, sent Mr. Wagner a letter requesting payment be remitted by November 7, 2006. Again, Mr. Wagner did not pay the penalty.

In December 2006, the Department of Licensing faxed documents to staff confirming that Bill's Transfer had appropriately registered its trade name of Universal Moving Systems with it. On April 19, 2007, the commission's records reflected the addition of the trade name to the carrier's household goods permit.

The \$100 penalty remains unpaid at this time. Because the expense of pursuit of payment of the penalty would far exceed the amount of the penalty itself, staff made the decision to stop active collection of the penalty and let it remain on the books until such time as it ages off or is paid by Mr. Wagner.

Staff recommends this file be closed.

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